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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,755

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Hugh Owen Lovesy

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EXAMINER

KANERVO, VIRPI H

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,755	<b>Applicant(s)</b> LOVESY ET AL.	
	<b>Examiner</b> VIRPI H. KANERVO	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of the Claims***

1. Claims 25-39 are presented for examination. Applicant filed Request for Continued Examination on 07/31/2009 canceling claims 1-24; and adding new claims 25-39. In light of Applicant's amendments, new grounds of rejection are established in the instant Office action for claims 25-39.

### ***Response to Arguments***

2. Examiner has carefully considered Applicant's arguments with respect to claims 25-39, but they are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this

Office action:

(b) A person shall be entitled to a patent unless the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25-33, 36, and 39, are rejected under 35 U.S.C. § 102(b) as being anticipated by Pollalis (5,016,170).

As to claims 25 and 39, Pollalis shows storage means storing data (Pollalis: col. 4, lines 43-48) including a full period planned amount (Pollalis: col. 4, lines 55-57), a project planned amount for each of at least one project (Pollalis: col. 4, lines 51-54), and a project actual amount for each of said at least one project at selectable times in a report period (Pollalis: Fig. 4); presentation means presenting a graphical representation of said data (Pollalis: Fig. 4), said graphical representation of data including: a report period graphic representing a report period timeline (Pollalis: Fig. 4); a period to date planned line alignable with a selected time on said report period graphic (Pollalis: col. 7, lines 59-68, Fig. 11); a project planned line for each of said at least one project juxtaposed with said report period graphic, said project planned line including a period to date actual bar graph having a length indicating a time to which said project actual amount is planned relative to said report period graphic (Pollalis: Fig. 4).

As to claim 26, Pollalis shows all the elements of claim 25. Pollalis also shows said bar graph length indicating a time to which said project actual amount is planned relative to said report period graphic is equal to said

project actual amount divided by said project planned amount for a corresponding project multiplied by a length of said report period graphic (Pollalis: Fig. 4).

As to claim 27, Pollalis shows all the elements of claim 25. Pollalis also shows that said period to date planned line intersects said project planned line(s) (Pollalis: Fig. 11).

As to claim 28, Pollalis shows all the elements of claim 25. Pollalis also shows a total period to date bar graph juxtaposed with said report period graphic, said total period to date bar graph having a length indicating a time to which said a total period to date amount is planned relative to said report period graphic, said total period to date amount being a sum of said project actual amounts (Pollalis: Fig. 4).

As to claim 29, Pollalis shows all the elements of claim 28. Pollalis also shows said total period to date bar graph length indicating a time to which said total period to date amount is planned relative to said report period graphic is equal to said total period to date amount divided by said full period planned amount multiplied by a length of said report period graphic (Pollalis: Fig. 4).

As to claim 30, Pollalis shows all the elements of claim 25. Pollalis also shows that said project planned line(s) include a full period bar graph having a height in proportion to an amount allocated to a corresponding project (Pollalis: col. 3, lines 35-38; and Fig. 4); and said system further comprising manipulation means allowing a user to change said amount by changing said height (Pollalis: col. 7, lines 59-68; and col. 8, lines 1-10).

As to claim 31, Pollalis shows all the elements of claim 25. Pollalis also shows an icon associated with said planned line, said icon indicating a project to which said plan is applied (Pollalis: Fig. 4).

As to claim 32, Pollalis shows all the elements of claim 25. Pollalis also shows that said report period graphic includes a post report period graphic indicating a time beyond said report period (Pollalis: Fig. 4; and Fig. 23).

As to claim 33, Pollalis shows all the elements of claim 25. Pollalis also shows that said project planned line further comprises a variance indicator bar graph scaled relative to variance between said project actual amount and said a project planned amount at a selected time in said period (Pollalis: col. 9, lines 29-33; and Fig. 23).

As to claim 36, Pollalis shows all the elements of claim 25. Pollalis also shows computer means for transferring at least one of said project planned lines from an existing report to a new report (Pollalis: col. 9, lines 29-33; and Fig. 11).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in § 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollalis in view of Johnston (6,404,444 B1).

As to claim 34, Pollalis shows all the elements of claim 25. Pollalis does not show that said graphical representation of data further includes a liquid tank graphic having a liquid level representing an unspent grant amount and target line indicating a grant amount spent to date. Johnston shows that said graphical representation of data further includes a liquid tank graphic having a liquid level representing an unspent grant amount and target line indicating a grant amount spent to date (Johnston: col. 6, lines

43-57; and Fig. 5A-B). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Pollalis by said graphical representation of data further including a liquid tank graphic having a liquid level representing an unspent grant amount and target line indicating a grant amount spent to date of Johnston in order to provide a mechanism to display the total sum of resources in the system (Johnston: col. 4, lines 27-29).

7. Claim 35 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollalis in view of Powell (5,291,397).

As to claim 35, Pollalis shows all the elements of claim 25. Pollalis does not show means for creating a budget plan including said flail period planned amount, said project planned amount for each of at least one project, and said project actual amount for each of said at least one project at selectable times in a report period. Powell shows means for creating a budget plan including said flail period planned amount, said project planned amount for each of at least one project, and said project actual amount for each of said at least one project at selectable times in a report period (Powell: col. 9, lines 55-60; and col. 10, lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Pollalis by means for creating a budget plan including said flail period planned amount, said project



planned amount for each of at least one project, and said project actual amount for each of said at least one project at selectable times in a report period of Powell in order to provide a control system for producing a product (Powell: col. 1, lines 63-64).

8. Claim 37 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollalis in view of Trcka (6,453,345 B2).

As to claim 37, Pollalis shows all the elements of claim 25. Pollalis does not show that said graphical representation further comprises a graphical alert displayed when a combined project planned amounts exceed a grant amount. Trcka shows that said graphical representation further comprises a graphical alert displayed when a combined project planned amounts exceed a grant amount (Trcka: col. 17, lines 29-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Pollalis by said graphical representation further comprising a graphical alert displayed when a combined project planned amounts exceed a grant amount of Trcka in order to detect against data-compromising events (Trcka: col. 1, lines 13-15).

9. Claim 38 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollalis in view of Chrisman (2003/0069782 A1).

As to claim 38, Pollalis shows all the elements of claim 25. Pollalis also shows automatically changing said project planned line in response to changing of data (Pollalis: col. 10, lines 4-10). Pollalis does not show moving a graphic representing an invoice. Chrisman shows moving a graphic representing an invoice (Chrisman: page 9, ¶ 123; where “moving a graphic representing an invoice” is changing of data). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Pollalis by moving a graphic representing an invoice of Chrisman in order to estimate, schedule and track labor required for the task (Chrisman: page 1, ¶ 11).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cimral (7,158,940 B2) discloses method and apparatus for facilitating management of information technology investment.

Pena-Mora (7,349,863 B1) discloses dynamic planning method and system.

Tervonen (7,302,401 B1) discloses data management mechanism for project planning.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIRPI H. KANERVO whose telephone number is 571-272-9818. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Virpi H. Kanervo

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691